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WHITE & CASE LLP PATENT DEPARTMENT 1155 AVENUE OF THE AMERICAS NEW YORK, NY 10036			LEE, GUNYOUNG T	
			ART UNIT	PAPER NUMBER
			2875	

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Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/821,291	<b>Applicant(s)</b> AMORIN, TERESA	
	<b>Examiner</b> Gunyoung T. Lee	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01/23/2006</u>  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The claims must be given their broadest reasonable interpretation. See MPEP § 2111.

### ***Election/Restrictions***

2. Applicant's election without traverse of Group I, claims 1-33, in the reply filed on January 26, 2006 is acknowledged.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: the pronouns "that" and "it" in line 7 of claim 1 render the claim indefinite. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. A preamble is not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure (see MPEP § 2111). The information in the preamble is not further given any patentable weight.

6. The functional statement that does not direct to structural limitations of an apparatus has not been given any patentable weight (see MPEP § 2114). The functional statements in the claims are not further given any patentable weight.

7. The term that suggests or makes optional (e.g. "adapted to", "whereby") but does not limit a claim to a particular structure is not given any patentable weight (see MPEP § 2106). The statements with optional term "adapted to" in the claims are not further given any patentable weight.

8. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill (US 5,764,132).

9. Hill discloses a light device (Fig. 1, 10).

10. In regards to claim 1, Hill discloses:

- A light source (Fig. 3, 26),
- A power supply (Fig. 3, 28) coupled to the light source (26);
- A housing (Fig. 3) containing the light source (26) and the power supply (28).
- Wherein the housing (Fig. 3) has a shape.

In regards to claims 2-3 and 5-6, Hill further discloses:

- (Claims 2, 3) a light bulb (Fig. 3, 26) luminescent device for illuminating;
- (Claim 2) a reflector (Figs 3) for redirecting light energy received from the luminescent device (26) in a substantially downward direction;

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- (Claim 5) a coupling (Fig. 2, 16, 18) for securing the device (Fig. 1, 10) for illuminating, wherein the coupling comprises a handle for holding the device (Fig. 1, 10);
- (Claim 6) wherein the housing has a shape (Fig. 3).

11. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Brothers (US 5,975,713).

12. Brothers discloses a mailbox lighting device (Fig. 3).

13. In regards to claim 1, Brothers discloses:

- A light source (Fig. 2, 16),
- A power supply (Fig. 2, 34) coupled to the light source (16);
- A housing (Fig. 2, 12) containing the light source (16) and the power supply (34).
- Wherein the housing (Fig. 12) has a shape.

In regards to claims 2-4, Hill further discloses:

- (Claims 2, 3) a light bulb (Fig. 2, 16) luminescent device for illuminating;
- (Claim 2) a reflector (Fig. 2, 28) for redirecting light energy received from the luminescent device (16) in a substantially downward direction;
- (Claim 4) wherein the luminescent device (Fig. 2, 16) comprises a light emitting diode (col. 3, lines 14-17).

14. Claims 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill (US 5,764,132).

15. Hill was discussed in the rejection of claim 1 above.

16. In regards to claim 7, Hill discloses:

- A housing (Fig. 3) having an interior and an aperture therein for the passage of light (Fig. 1);
- A light source (Fig. 3, 26) residing in the interior of the housing and coupled thereto;
- A power supply (Fig. 3, 28) coupled to the housing and to the light source (26);
- A switch (Fig. 3, 30) coupled to the power supply (28);
- Wherein, when the switch (Fig. 3, 30) is actuated, the light source (26) is turned on and light passes from the light source (26) through the aperture (Fig. 1) (col. 2, lines 34-36).

In regards to claims 8-10, Hill further discloses:

- (Claim 8) wherein the housing (Fig. 1) is sized to fit within a hand of a user;
- (Claim 9) a coupling device (Fig. 2, 16, 18) for securing the lighting device (Fig. 1, 10), wherein the coupling device comprises a handle for holding the lighting device (Fig. 1);
- (Claim 10) wherein the housing (Fig. 3) comprises a top portion (22) a bottom portion (Fig. 2, 18), wherein the aperture (Fig. 1 & Fig. 3) is formed between the top and bottom of the housing.

17. Claims 7 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Brothers (US 5,975,713).

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18. Brothers was discussed in the rejection of claim 1 above.

19. In regards to claim 7, Brothers discloses:

- A housing (Fig. 2, 12) having an interior and an aperture therein for the passage of light;
- A light source (Fig. 2, 16) residing in the interior of the housing (12) and coupled thereto (col. 3, lines 12-13);
- A power supply (Fig. 2, 34) coupled to the housing (12) and to the light source (16);
- A switch (Fig. 2, 36) coupled to the power supply (34);
- Wherein, when the switch (Fig. 2, 36) is actuated, the light source (16) is turned on and light passes from the light source (16) through the aperture.

In regards to claim 11, Brothers further discloses:

- (Claim 11) wherein the bottom of the housing (Fig 1) comprises a transparent material (30) for the passage of at least a portion of the light generated by the source (16) (col. 3, lines 12-13).

20. Claims 12 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Biggs et al. (US 5,018,057).

21. Biggs et al. disclose a light module (Fig. 1, 10)

22. In regards to claim 12, Biggs et al. disclose:

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- A housing (Fig. 1, 12) having a hollow interior, a top portion, and a bottom portion, wherein the hollow interior extends from the bottom portion to the top portion of the housing (12);
- A light source module (Fig. 1, 10) removably attached (Fig. 4, 38) to the top portion of the housing (Fig. 1, 12) and extending substantially downward within the hollow interior toward the bottom portion;
- A handle (Fig 1) attached to the top portion of the housing (12);

In regards to claim 22, Biggs et al. further disclose:

- (Claim 22) wherein the housing (Fig. 1, 12) is a handbag shape.

### ***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biggs et al. (US 5,018,057) as applied to claim 12 above, and further in view of Kovacik et al. (US 6,663,265).

25. In regards to claim 14, Biggs et al. disclose the invention substantially as claimed except for a handle having a hinge for manipulating the handle between first and



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second positions. However, Biggs et al. disclose that other forms of handle portion (Fig. 4, 38) are used with the light source module (Fig. 1, 10) for desired use (col. 2, lines 57-61). Kovacik et al. disclose a portable lighting module (Fig. 5) with a handle (16) having a hinge (22, 38) for manipulating the handle portion (20') between first and second positions. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the handle portion (Fig. 5, 22') of Kovacik et al. for the light module of Biggs et al. to provide multi-positionable handle portion for the purpose of providing illumination in various directions (locations) inside the container (handbag, purse or etc.).

26. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biggs et al. (US 5,018,057) as applied to claim 12 above, and further in view of Dubilier (US 2, 288,996).

27. In regards to claim 15, Biggs et al. disclose the invention substantially as claimed except for a handle having a hinge for a housing having a substantially transparent bottom portion. Dubilier discloses a purse (Fig. 2) having substantially transparent portions (19'). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the transparent housing portion of Dubilier for the light module of Biggs et al. to provide illumination inside, as well as, outside of the housing for the purpose of providing illumination on the areas around the housing, which allows for searching both inside and outside (ground) of a purse.

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28. Claims 12-13, 16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall (US 5,070,438) in view of Biggs et al. (US 5,018,057).

29. Marshall discloses a portable pen-sized light source module (Fig. 3, 10).

30. In regards to claims 12-13, 16, 18 and 19, Marshall discloses:

- A light source module (Fig. 3) having a battery barrel (20) having a first and second end and adapted to hold at least one battery (46, 48) (claim 13);
- A first luminescent device (Fig. 3, 36) disposed adjacent to the first end of the battery barrel (20) (claim 13);
- A securing cap (Fig. 3, 16) adjacent to the second end of the battery barrel for encapsulating at least one battery within the battery barrel and securing the light source module (10) (through 18) to a purse (col. 3, lines 1-3) (claim 13);
- A switch (Fig. 3, 70) for activating and deactivating the luminescent device (claim 13);
- Wherein the luminescent device comprise a light bulb (Fig. 3, 36).

However, Marshall does not expressly disclose a housing having:

- A hollow interior, a top portion, and a bottom portion, wherein the hollow interior extends from the bottom portion to the top portion of the housing;
- A handle attached to the top portion of the housing.

31. In regards to claims 12-13, 16, 18 and 19, Biggs et al. disclose:

- A housing (Fig. 1, 12) having a hollow interior, a top portion, and a bottom portion, wherein the hollow interior extends from the bottom portion to the top portion of the housing (12);

- A handle (Fig 1) attached to the top portion of the housing (12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the housing of Biggs et al. with the portable pen-sized light source module of Marshall to provide illumination inside the housing for the purpose of providing sufficient illumination downward.

32. Claims 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall (US 5,070,438) and Biggs et al. (US 5,018,057) as applied to claims 12 and 13 above, and further in view of Opolka (US 6,893,143).

33. In regards to claims 16 and 20, Marshall and Biggs et al. disclose the invention substantially as claimed except for:

- A switch device comprising a pressure activated component (claim 16);
- A luminescent device comprising a light emitting diode (claim 20).

Opolka discloses a pocket lamp (Fig. 2) having a switch device comprising a pressure-activated component (col. 6, lines 6-7) a luminescent device (16) comprising a light emitting diode (LED). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the pressure switch and the LED luminescent device of Opolka for the portable pen-sized light source module of Marshall modified by Biggs et al. to provide easy activation of the switch and illumination with low power consumption for the purpose of a long service time with a limited power source (e.g. battery).

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34. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall (US 5,070,438) and Biggs et al. (US 5,018,057) as applied to claims 12 and 13 above, and further in view of Guerrieri (US 6,848,807).

35. In regards to claims 17-18, Marshall and Biggs et al. disclose the invention substantially as claimed except for:

- A switch device comprises a voice recognition device (claim 17);
- A switch device comprises a timing device for deactivating the luminescent device after a predefined time period (claim 18).

Guerrieri discloses a portable lighting source (Fig. 1) having a switch device comprising a voice recognition device (col. 4, lines 18-21) with a timing device for deactivating the luminescent device after a predefined time period (col. 2, lines 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the switch device of Guerrieri for the portable pen-sized light source module of Marshall modified by Biggs et al. to provide a remotely controllable switching means and an automatic turn-off function for the purpose of activating the lighting source without touching (after finding it in the dark) and to preserve the battery power.

36. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall (US 5,070,438) and Biggs et al. (US 5,018,057) as applied to claims 12 and 13 above, and further in view of Browning et al. (US 3,963,914).

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37. In regards to claim 21, Marshall and Biggs et al. disclose the invention substantially as claimed except for a second luminescent device disposed between a securing cap and second end of the battery barrel. Browning et al. disclose a portable flashlight (Fig. 6) having a second luminescent device (23) disposed between a securing cap (12) and second end of the battery barrel (47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the second luminescent device of Browning et al. for the portable pen-sized light source module of Marshall modified by Biggs et al. to provide additional lighting for the purpose of providing illumination in both (front and back) directions. This will make it easier to search inside of a container (e.g. purse, handbag).

38. Claims 23-25, 27-30 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biggs et al. (US 5,018,057).

39. In regards to method claim 23, Biggs et al. disclose:

- A portable illumination device (Fig. 1, 10);
- Wherein the illumination device (Fig. 1, 10) is secured to a member (12);
- A switch (col. 1, lines 67-68) to activate the illumination device (Fig. 1, 10).

In regards to method claims 24-25, 27-30 and 32-33, Biggs et al. further disclose:

- (Claim 24) wherein the switch deactivates the illumination device (Fig. 1, 10) after a predefined timer period (col. 4, lines 29-32);
- (Claim 25) a manual actuating a switch (Abstract, lines 5-12);

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- (Claims 27, 32, 33) wherein the illumination device is removable and securable to a member and illuminates an area (col. 1, lines 32-36);
- (Claims 28, 29, 30) a handbag (Fig. 1, 12) with a pocket;

As described above, all structural limitations claimed in the method claims 23-25, 27-30 and 32-33 are met by Biggs et al., and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a method of illumination for the light module of Biggs et al., in order to obtain a sufficient level of illumination on a desired area(s).

40. Claims 23 and 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guerrieri (US 6,848,807).

41. Guerrieri discloses a portable lighting source (Fig. 1).

42. In regards to method claim 23, Guerrieri discloses:

- A portable illumination device (Fig. 1, 20);
- Wherein the illumination device (Fig. 1, 20) is secured to a member (10);
- A switch (col. 2, lines 1-4) to activate the illumination device (Fig. 1, 10);

In regards to method claim 26, Guerrieri further discloses:

- Wherein the illumination device comprise voice recognition circuitry (col. 4, lines 18-21).

As described above, all structural limitations claimed in the method claims 23 and 26 are met by Guerrieri, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a method of illumination for the

portable lighting source of Guerrieri, in order to obtain a sufficient level of illumination on a desired area(s).

43. Claims 23 and 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hill (US 5,764,132).

44. Hill was discussed in the rejection of claims 1 and 7 above.

45. In regards to method claim 23, Hill discloses:

- A portable illumination device (Fig. 1, 10);
- Wherein the illumination device (Fig. 1, 10) is secured to a member (12);
- A switch (Fig. 3, 30) to activate the illumination device (Fig. 1, 10);

In regards to method claim 31, Guerrieri further discloses:

- A compartment divider for separating different compartments (Fig. 1);

As described above, all structural limitations claimed in the method claims 23 and 31 are met by Hill, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a method of illumination for the portable lighting source of Guerrieri, in order to obtain a sufficient level of illumination on a desired area(s).

### ***Conclusion***

46. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Young (US 2,611,573), Grask (US 2,538,151) and Weigert (US 4,638,412) show illumination devise for a container (e.g. purse or handbag).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached between 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached at (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GTL  
2/21/2006

  
ALI ALAVI  
PRIMARY EXAMINER